TITLE 14.—COAST GUARD

This title was enacted by act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 495

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 10 sections 1006, 3814a.

Chapter 1.—ESTABLISHMENT AND DUTIES

§ 2. Primary duties.

The Coast Guard shall enforce or assist in the enforcement of all applicable Federal laws on and under the high seas and waters subject to the jurisdiction of the United States; shall administer laws and promulgate and enforce regulations for the promotion of safety of life and property on and under the high seas and waters subject to the jurisdiction of the United States covering all matters not specifically delegated by law to some other executive department; shall develop, establish, maintain, and operate, with due regard to the requirements of national defense, aids to maritime navigation, icebreaking facilities, and rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the United States; shall, pursuant to international agreements, develop, establish, maintain, and operate icebreaking facilities on, under, and over waters other than the high seas and waters subject to the jurisdiction of the United States; shall engage in oceanographic research of the high seas and in waters subject to the jurisdiction of the United States; and shall maintain a state of readiness to function as a specialized service in the Navy in time of war. (Aug. 4, 1949, ch. 393, 63 Stat. 496, amended Oct. 5, 1961, Pub. L. 87–396, § 1, 75 Stat. 827; June 12, 1970, Pub. L. 91–278, § 1(1), 84 Stat. 304; Dec. 13, 1974, Pub. L. 93–519, 88 Stat. 1659.)

AMENDMENTS

1974—Pub. L. 93–519 added the provision requiring the Coast Guard to develop, establish, maintain and operate, pursuant to international agreements, icebreaking facilities in waters other than those subject to the jurisdiction of the United States.

Chapter 3.—COMPOSITION AND ORGANIZATION

Sec.
47. Vice Commandant; assignment; retirement.
50. Area commanders.
51. Retirement.

AMENDMENTS

1972—Pub. L. 92–451, § 1(8), Oct. 2, 1972, 86 Stat. 756 substituted "Vice Commandant" for "Assistant Commandant" in item 47 and added items 50 and 51.

§ 41. Grades and ratings.

In the Coast Guard there shall be an admiral, vice admirals; rear admirals; captains; commanders; lieutenant commanders; lieutenants; lieutenants (junior grade); ensigns; chief warrant officers, W–4; chief warrant officers, W–3; chief warrant officers, W–2; cadets; warrant officers, W–1; and enlisted men. Enlisted men shall be distributed in ratings established by the Secretary. (As amended Oct. 2, 1972, Pub. L. 92–451, § 1(1), 86 Stat. 755.)

AMENDMENTS

1972—Pub. L. 92–451 substituted "vice admirals" for "a vice admiral".

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 1481.

§ 41a. Active duty promotion list.

(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Retired officers and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not be included on the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components or assigned to the Selective Service System, shall be included on the active duty promotion list.

* * * * * *

(As amended Pub. L. 93–174, § 1(1), Dec. 5, 1973, 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–174 substituted "Retired officers and officers" for "Retired officers, officers" and struck out", and officers of the Women's Reserve" following "Coast Guard Academy".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 770 of this title.

§ 42. Number and distribution of commissioned officers.

* * * * * *

(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 9(d)(1) of the Department of Transportation Act (80 Stat. 944; 49 U.S.C. 1657), shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary. (As amended Oct. 2, 1972, Pub. L. 92–451, § 1(2), 86

61–764 O—76—vol. 1——54

Stat. 755; Dec. 5, 1973, Pub. L. 93–174, § 1(2), 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (e). Pub. L. 93–174 substituted "Coast Guard Academy and of the" for "Coast Guard Academy, of the" and struck out ", and of the Women's Reserve" following "training and reserve components".

1972—Subsec. (e) Pub. L. 92–451 added provision that officers excluded under section 1657(d)(1) of Title 49 shall not be counted in determining authorized strengths.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 271 of this title.

§ 44. Commandant; appointment.

The President may appoint, by and with the advice and consent of the Senate, one Commandant for a period of four years, who may be reappointed for further periods of four years, who shall act as Chief of the Coast Guard. The Commandant shall be appointed from the officers on the active duty promotion list serving above the grade of captain who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral. (As amended Oct. 2, 1972, Pub. L. 92–451, § 1(3), 86 Stat. 755.)

AMENDMENTS

1972—Pub. L. 92–451 substituted "above the grade of captain" for "in the grade of captain or above" in the second sentence.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

§ 47. Vice Commandant; assignment; retirement.

(a) The President may appoint, by and with the advice and consent of the Senate, one Vice Commandant who shall rank next after the Commandant, shall perform such duties as the Commandant may prescribe and shall act as Commandant during the absence or disability of the Commandant or in the event that there is a vacancy in the office of Commandant. The Vice Commandant shall be selected from the officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendation for such appointment. The Vice Commandant shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an[1] Vice Commandant shall be effective on the date the officer assumes such duty, and shall terminate on the date he is detached from such duty.

(b) A Vice Commandant, while so serving, who is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

[1] Pub. L. 92–451 amended subsec. substituting "Vice Commandant" for "Assistant Commandant", but did not change "an" to "a".

(c) An officer who is retired while serving as Vice Commandant, or who, after serving at least two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the grade and retired pay of vice admiral.

(d) An officer who, after serving less than two and one-half years as Vice Commandant, is retired after completion of that service while serving in a lower rank or grade, shall be retired in his permanent grade and with the retired pay of that grade. (As amended Oct. 2, 1972, Pub. L. 92–451, § 1(4), 86 Stat. 755.)

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–451 substituted "Vice Commandant" for "Assistant Commandant" in four places, and "above the grade of captain" for "in the grade of captain or above" in the second sentence.

Subsec. (b). Pub. L. 92–451 substituted "A Vice Commandant" for "An Assistant Commandant".

Subsec. (c). Pub. L. 92–451 substituted "Vice Commandant" for "Assistant Commandant" in two places.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

§ 50. Area commanders.

(a) The President may appoint, by and with the advice and consent of the Senate, a Commander, Atlantic Area, and a Commander, Pacific Area, each of whom shall be an intermediate commander between the Commandant and the district commanders in his respective area and shall perform such duties as the Commandant may prescribe. The area commanders shall be appointed from officers on the active duty promotion list serving above the grade of captain. The Commandant shall make recommendations for such appointments.

(b) An area commander shall, while so serving, have the grade of vice admiral with pay and allowances of that grade. The appointment of an area commander is effective on the date the officer assumes that duty, and terminates on the date he is detached from that duty. (Added Pub. L. 92–451, § 1(5), Oct. 2, 1972, 86 Stat. 755.)

EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

§ 51. Retirement.

(a) An officer who, while serving as Commander, Atlantic Area, or Commander, Pacific Area, is retired for physical disability shall be placed on the retired list with the grade and retired pay of vice admiral.

(b) An officer who is retired while serving as Commander, Atlantic Area, or Commander, Pacific Area, or who, after serving at least two and one-half years in the grade of vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the grade and retired pay of vice admiral.

(c) An officer who, after serving less than two and one-half years in the grade of vice admiral, is re-

tired while serving in a lower grade, shall be retired in his permanent grade and with the retired pay of that grade. (Added Pub. L. 92–451, § 1(5), Oct. 2, 1972, 86 Stat. 755.)

EFFECTIVE DATE

Section effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

Chapter 5.—FUNCTIONS AND POWERS

Sec.
85. Aids to maritime navigation; penalty.

AMENDMENTS

1974—Pub. L. 93–283, § 1(4), May 14, 1974, 88 Stat. 140, deleted "on fixed structures" following "maritime navigation", in item 85.

§ 83. Unauthorized aids to maritime navigation; penalty.

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation continues shall be considered as a new offense. (As amended May 14, 1974, Pub. L. 93–283, § 1(1), 88 Stat. 139.)

AMENDMENTS

1974—Pub. L. 93–283 substituted "maritime navigation in or adjacent to the waters subject to the jurisdiction of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States, without first obtaining authority" for "maritime navigation without first obtaining authority".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 84 of this title.

§ 85. Aids to maritime navigation: penalty.

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of marine navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States. Any owner or operator of such a structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding $100 for each day which such violation continues. (As amended May 14, 1974, Pub. L. 93–283, § 1(2), 88 Stat. 139.)

AMENDMENTS

1974—Pub. L. 93–283 deleted from the catchline "on fixed structures" following "maritime navigation" and substituted "fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States" for "fixed structures in or over navigable waters of the United States."

§ 86. Marking of obstructions.

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on the navigable waters or waters above the continental shelf of the United States in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law. (As amended May 14, 1974, Pub. L. 93–283, § 1(3), 88 Stat. 139.)

AMENDMENTS

1974—Pub. L. 93–283 substituted "the navigable waters or waters above the continental shelf of the United States" for "any navigable waters of the United States."

§ 89. Law enforcement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 33 section 1014.

§ 92. Secretary; general powers.

OPERATING EXPENSES; AIRCRAFT

Section 101 of Pub. L. 94–134, title I, Nov. 24, 1975, 89 Stat. 696, provided in part: "That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-nine exclusive of planes and parts stored to meet future attrition".

Similar provisions were contained in the following prior appropriation acts:

1974—Aug. 28, 1974, Pub. L. 93–391, title I, § 101, 88 Stat. 769.

1973—Aug. 16, 1973, Pub. L. 93–98, title I, § 101, 87 Stat. 330.

1972—Aug. 22, 1972, Pub. L. 93–298, title I, § 101, 86 Stat. 581.

1971—Aug. 10, 1971, Pub. L. 92–74, title I, § 101, 85 Stat. 202.

Chapter 7.—COOPERATION WITH OTHER AGENCIES

§ 141. General.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 section 1481.

Chapter 9.—COAST GUARD ACADEMY

§ 182. Cadets; number, appointment, obligation to serve.

(a) The number of cadets appointed annually to the Academy shall be as determined by the Secretary but the number appointed in any one year shall not exceed six hundred. Appointments to cadetships shall be made under regulations prescribed by the Secretary, who shall determine age limits, methods of selection of applicants, term of service as a cadet before graduation, and all other matters affecting such appointments. The Secretary may summarily

dismiss from the Coast Guard any cadet who, during his cadetship, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Coast Guard. Previous to his admission each cadet shall obligate himself, in such manner as the Secretary shall prescribe, to complete the course of instruction at the Coast Guard Academy and to serve at least five years as an officer in the Coast Guard after graduation, if his service be so long required. Cadets shall be subject to rules governing discipline prescribed by the Commandant.

(b) A cadet who does not fulfill his obligation to complete the course of instruction or refuses to accept an appointment as an officer in the Coast Guard may be transferred by the Secretary to the Coast Guard Reserve in an appropriate enlisted grade or rating, and, notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such period of time as the Secretary prescribes, but not for more than four years. (As amended June 12, 1970, Pub. L. 91–278, § 1(4), 84 Stat. 304.)

AMENDMENT

1970—Subsection (a) amended by Pub. L. 91–278 by inserting "to complete the course of instruction at the Coast Guard Academy and" after "prescribe," in the penultimate sentence.

§ 193. Advisory Committee.

TERMINATION OF ADVISORY COMMITTEES

Advisory Committees in existence on January 5, 1973, to terminate not later than the expiration of the two-year period following January 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such two-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law, see sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

Chapter 11.—PERSONNEL

OFFICERS

D. DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS

Sec.
290. Rear admirals; continuation on active duty; involuntary retirement.

AMENDMENTS

1972—Pub. L. 92–451, § 1(9), Oct. 2, 1972, 86 Stat. 757, substituted "continuation on active duty" for "retention on the active list" in item 290.

OFFICERS

A. APPOINTMENTS

§ 214. Original appointment of temporary officers.

* * * * *

(d) Temporary appointments under this section do not change the permanent, probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section, or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade.

* * * * *

(As amended Pub. L. 93–283, § 1(5), May 14, 1974, 88 Stat. 140.)

AMENDMENTS

1974—Subsec. (d). Pub. L. 93–283 prohibited any reduction in the pay and allowances to which a temporary officer was entitled under a prior temporary appointment in a lower grade.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 2 of Pub. L. 93–283 provided that: "Paragraphs (5) and (8) of section 1 of this Act [amending subsec. (d) of this section and section 288(a) of this title] are effective as of the original date of enactment [Sept. 24, 1963] of the sections thereby amended."

B. SELECTION FOR PROMOTION

§§ 253, 254, 258, 260.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 290 of this title.

C. PROMOTIONS

§ 275. Wartime temporary service promotions.

* * * * *

(f) A promotion under this section shall be made by an appointment for temporary service. An appointment under this section to a grade above captain shall be made by the President by and with the advice and consent of the Senate. An appointment under this section to grade above lieutenant commander of an officer in the Coast Guard Reserve shall be made by the President, by and with the advice and consent of the Senate. Any other appointments under this section shall be made by the President alone.

* * * * *

(As amended Pub. L. 92–129, title VI, § 605, Sept. 28, 1971, 85 Stat. 362.)

AMENDMENTS

1971—Subsec. (f). Pub. L. 92–129 added provision covering appointments of officers in the Coast Guard Reserve to grades above lieutenant commander.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 257, 759a of this title.

D. DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS

§ 283. Regular lieutenants; separation for failure of selection for promotion; continuation.

(a) Each officer of the Regular Coast Guard appointed under section 211 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

* * * * *

(3) if, on the date specified for his discharge in this section, he has completed at least 20 years of active service or is eligible for retirement under any law, be retired on that date; or

* * * * *

(As amended Pub L. 93–283, § 1(6), May 14, 1974, 88 Stat. 140.)

AMENDMENTS

1974—Subsec. (a)(3). Pub. L. 93–283 substituted "he has completed at least 20 years of active service or is eligible" for "he is eligible."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 286, 287 of this title.

§ 285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

Each officer of the Regular Coast Guard serving in the grade of lieutenant commander or commander, who has failed of selection for promotion to the grade of commander or captain, respectively, for the second time shall:

(1) if he has completed at least twenty years of active service or is eligible for retirement under any law on June 30 of the fiscal year in which his second failure of selection occurs, be retired on that date; or

(2) if ineligible for retirement on the date specified in clause (1) be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

(As amended Pub. L. 93–283, § 1(7), May 14, 1974, 88 Stat. 140.)

AMENDMENTS

1974—Pub. L. 93–283 substituted in cl. (1), "if he has completed at least 20 years of active service or is eligible" for "if eligible."

§ 287. Separation for failure of selection for promotion or continuation; time of.

If, under section 282, 283, 284, 285, 289, or 290 of this title, the discharge or retirement of any officer would be required less than six months following approval of the report of the board which considered but did not select him for promotion or continuation, the discharge or retirement of such officer shall be deferred until the last day of the sixth calendar month after such approval. (As amended Pub. L. 92–451, § 1(6), Oct. 2, 1972, 86 Stat. 755.)

AMENDMENTS

1972—Pub. L. 92–451 added reference to section 290.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92–451, set out as a note under section 290 of this title.

§ 288. Regular captains; retirement.

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone.

* * * * *

(As amended Pub L. 93–283, § 1(8), May 14, 1974, 88 Stat. 140.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–283 prohibited an involuntary retirement under this section of an officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone earlier than if he had not been selected from below the zone.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–283 effective Sept. 24, 1963, see section 2 of Pub. L. 93–283, set out as a note under section 214 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 190, 289 of this title.

§ 290. Rear admirals; continuation on active duty; involuntary retirement.

(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Boards shall be convened frequently enough to assure that each officer serving in the grade of rear admiral is subject to consideration for continuation during a fiscal year in which he completes not less than four or more than five years service in that grade.

(b) The Secretary shall, based upon the needs of the service, furnish each board convened under this section with the number of officers to be considered for continuation on active duty. The number that may be recommended for continuation shall be not less than 50 per centum or more than 75 per centum of the number of officers being considered for continuation.

(c) The provisions of sections 253, 254, 258, and 260 of this title relating to selection and continuation boards shall to the extent they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(d) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval.

(e) Each officer who is considered but not continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which the report of the continuation board convened under this section is approved.

(f) Each officer who is continued on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which he completes a total of thirty-six years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, 434 of this title.

(g) Notwithstanding subsection (f) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any officer who would otherwise be retired under subsection (f). An officer so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection. (As amended Pub. L. 92–451, § 1(7), Oct. 2, 1972, 86 Stat. 756.)

AMENDMENTS

1972—Pub. L. 92–451 substituted "continuation on active duty" for "retention on the active list" in the section catchline.

Subsec. (a). Pub. L. 92–451 added subsec. (a). Former subsec. (a) redesignated (f).

Subsec. (b). Pub. L. 92–451 added subsec. (b). Former subsec. (b) redesignated (g).

Subsec. (c). Pub. L. 92–451 added subsec. (c). Former subsec. (c) provided that provisions of former subsecs. (a) and (b) were inapplicable to officers serving as Commandants.

Subsec. (d). Pub. L. 92–451 added subsec. (d).

Subsec. (e). Pub. L. 92–451 added subsec. (e).

Subsec. (f). Pub. L. 92–451 incorporated provisions of former subsec. (a) in provisions designated as subsec. (f), and among other changes extended the minimum service for retirement from 35 years to 36 years of active commissioned service and deleted the alternative seven year permanent grade service.

Subsec. (g). Pub. L. 92–451 incorporated provisions of former subsec. (b) in provisions designated as subsec. (g), and among other changes, substituted officer for rear admiral.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 3 of Pub. L. 92–451 provided that: "This Act [enacting sections 50 and 51 of this title, and amending this section and sections 41, 42, 44, 47 and 287 of this title and section 202 of title 37] is effective upon enactment [Oct. 2, 1972] except that continuation boards, pursuant to subsection (a) of section 290 of title 14, United States Code, as amended by this Act [subsec. (a) of this section], may not be held until one year following enactment hereof [Oct. 2, 1972]. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years' service in that grade. Subsections (b) through (g) of section 290 and other sections of title 14, United States Code, as amended by this Act [subsecs. (b) through (g) of this section and sections 41, 42, 44, 47, 50, 51 and 287 of this title], apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287 of this title.

GENERAL PROVISIONS

§ 423. Computation of retired pay.

The retired pay of a grade or rating shall be computed at the rate of 2½ percent of the sum of the basic pay of that grade or rating, and all permanent additions thereto including longevity credit to which the officer or enlisted man concerned was entitled at the time of retirement, multiplied by the number of years of service that may be credited to him under section 1405 of title 10. In the case of an enlisted member who served as the master chief petty officer of the Coast Guard, his retired pay shall be computed at the highest basic pay applicable to him while he so served, if that basic pay is greater than the basic pay of the grade or rating to which he was otherwise entitled at the time of retirement. In the case of an officer whose retired pay is computed on the pay of a grade for which basic pay is not based upon years of service the retired pay shall be 2½ percent of his basic pay in the grade in which serving at the time of retirement multiplied by the number of years of service for which he would be entitled to credit in the computation of pay on the active list had he been serving in the grade of captain at the time of his retirement. A fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ percent is multiplied. (As amended Oct. 2, 1972, Pub. L. 92–455, § 2, 86 Stat. 761.)

AMENDMENTS

1972—Pub. L. 92–455 provided for computation of retired pay of an enlisted member serving as the master chief petty officer of the Coast Guard at the highest basic pay applicable to him while he so served, if that basic pay is greater than the basic pay of the grade or rating to which he was otherwise entitled at the time of retirement.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 288 of this title.

Chapter 13.—PAY, ALLOWANCES, AWARDS, AND OTHER RIGHTS AND BENEFITS

§ 461. Remission of indebtedness of enlisted members upon discharge.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 755 of this title.

§ 475. Leasing and hiring of quarters; rental of inadequate housing.

(a) The Secretary of the Department in which the Coast Guard is operating is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary of the Department in which the Coast Guard is operating finds that the average is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense.

* * * * *

(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 1976.

(f) The Secretary of the Department in which the Coast Guard is operating shall annually, not later than April 1, commencing April 1, 1973, file with the Speaker of the House of Representatives and the President of the Senate a complete report of the utilization of the authority granted in subsections (a), (b), (c), and (d) of this section during the preceding calendar year.

(g) The authority conferred by subsections (a), (b), (c), or (d) of this section may not be utilized after April 1, 1973, unless all reports required by subsection (f) of this section have been filed with the Congress. (As amended July 10, 1972, Pub. L. 92–343, § 4, 86 Stat. 450; July 9, 1973, Pub. L. 93–65, § 5, 87 Stat. 151.)

AMENDMENTS

1973—Subsec. (e). Pub. L. 93–65 extended termination date of authority provided in subsecs. (b) and (c) of this section from June 30, 1973, to June 30, 1976.

1972—Subsec. (a). Pub. L. 92–343, § 4(1), substituted "The Secretary of the Department in which the Coast Guard is operating" for "The Secretary" in the first sentence.

Subsec. (e). Pub. L. 92–343, § 4(2), struck out reference to subsec. (a) and extended the authority provided in subsecs. (b) and (c) to June 30, 1973.

Subsec. (f). Pub. L. 92–343, § 4(3), added subsec. (f).

Subsec. (g). Pub. L. 92–343, § 4(3), added subsec. (g).

EX. ORD. NO. 11645. AUTHORITY OF SECRETARY TO PRESCRIBE CERTAIN REGULATIONS RELATING TO HOUSING

Ex. Ord. No. 11645, Feb. 8, 1972, 37 F.R. 2923, provided: By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation is designated and empowered to prescribe (or, under a delegation of the Secretary's authority, the Commandant of the Coast Guard is authorized to prescribe) regulations pursuant to section 475(c) of title 14 of the United States Code, relating to the designation and leasing of rental housing, without the approval, ratification, or other action by the President.

SEC. 2. Whenever the entire Coast Guard operates as a service in the Navy, the reference to the Secretary of Transportation in section 1 of this order shall be deemed to be a reference to the Secretary of the Navy.

RICHARD NIXON.

Chapter 17.—ADMINISTRATION

Sec.
646. Admiralty claims against the United States.
656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters.
658. Confidential investigative expenses.

AMENDMENTS

1974—Pub. L. 93–283, § 1(11), May 14, 1974, 88 Stat. 140, substituted in item 656 "Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters" for "Use of appropriations to restore, replace, establish, or develop facilities", and added item 658.

1972—Pub. L. 92–417, § 2(b), Aug. 29, 1972, 86 Stat. 656, substituted "Admiralty claims against the United States" for "Claims for damages occasioned by vessels" in item 646.

§ 646. Admiralty claims against the United States.

(a) The Secretary may consider, ascertain, adjust, determine, compromise, or settle, and pay in an amount not more than $100,000, an admiralty claim against the United States for—

(1) damage caused by a vessel in the Coast Guard service or by other property under the jurisdiction of the Department in which the Coast Guard is operating;

(2) compensation for towage and salvage services, including contract salvage, rendered to a vessel in the Coast Guard service or to other property under the jurisdiction of the Department in which the Coast Guard is operating; or

(3) damage caused by a maritime tort committed by an agent or employee of the Department in which the Coast Guard is operating or by property under the jurisdiction of that Department.

(b) Upon acceptance of payment by the claimant, the settlement or compromise of a claim under this section is final and conclusive notwithstanding any other law.

(c) If a claim under this section is settled or compromised for more than $100,000, the Secretary shall certify it to Congress. (As amended Aug. 29, 1972, Pub. L. 92–417, § 2(a), 86 Stat. 655.)

AMENDMENTS

1972—Subsec. (a) Pub. L. 92–417 incorporated in part the first sentence of former subsec. (a) in the text preceding par. (1), substituted "Secretary" for "Secretary of the Treasury", added provisions authorizing payments up to $100,000, deleted second, third, and fourth sentences providing that provisions of this section were supplementary to other provisions, that claims in excess of $3,000 accrued prior to Sept. 8, 1939 would not be considered, and that payments be made out of Coast Guard appropriations, and added pars. (1)–(3).

Subsec. (b). Pub. L. 92–417 incorporated in part the first sentence of former subsec. (a).

Subsec. (c). Pub. L. 92–417 incorporated provisions of the last sentence of former subsec. (a), and substituted "100,000" for "25,000".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 827, 828 of this title.

§ 650. Coast Guard Supply Fund.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

§ 656. Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters.

(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities, for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended.

(b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

(c) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than $200,000 for any one project. (As amended Pub. L. 93–283, § 1(9), May 14, 1974, 88 Stat. 140.)

AMENDMENTS

1974—Pub. L. 93–283, § 1(9)(A), substituted in the catchline "Use of moneys appropriated for acquisition, construction, and improvement; for research, development, test, and evaluation; and for the alteration of bridges over the navigable waters", for "Use of appropriations to restore, replace, establish, or develop facilities".

Subsec. (a). Pub. L. 93–283, § 1(9)(B), (C), added subsec. (a) and redesignated former subsec. (a) as (b).

Subsecs. (b), (c). Pub. L. 93–283, § 1(9)(B), redesignated former subsecs. (a) and (b) as (b) and (c), respectively.

§ 657. Dependent school children.

(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.

(b) Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility. (As amended Pub. L. 93–430, § 5, Oct. 1, 1974, 88 Stat. 1182.)

AMENDMENTS

1974—Pub. L. 93–430 struck out "transportation of" from the section catchline, designated existing provisions as subsec. (b), and added subsec. (a).

§ 658. Confidential investigative expenses.

Not more than $15,000 per annum appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government. (Added Pub. L. 93–283, § 1(10), May 14, 1974, 88 Stat. 140.)

Chapter 21.—COAST GUARD RESERVE

Sec.
762. Women's Reserve.[1]
764. Active duty for emergency augmentation of regular forces.
765. Enlistment of members engaged in schooling.
COMMISSIONED OFFICERS'
796. Failure of selection for promotion.
797. Promotion; acceptance; oath of office.
798. Rear admiral; maximum service in grade.

AMENDMENTS

1974—Pub. L. 93–283, § 1(14), May 14, 1974, 88 Stat. 141, added items 765 and 796 to 798.

1972—Pub. L. 92–479, § 2, Oct. 9, 1972, 86 Stat. 795, added item 764.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 sections 1005, 1006.

§ 751a. Organization.

WOMEN'S BRANCH OF THE COAST GUARD RESERVE

Section 3 of Pub. L. 93–174, Dec. 5, 1973, 87 Stat. 692, provided that: "Effective upon enactment of this Act [Dec. 5, 1973], all members of the women's branch of the Coast Guard Reserve who were serving on active or inactive duty on the day before enactment shall become members of the Coast Guard Reserve without loss of grade, rate, date of rank, or other benefits earned by their prior service."

§ 755. Benefits.

(a) Personnel of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same benefits as provided for personnel of the Naval Reserve of corresponding grade, rating, and length of service. In determining length of service for the purpose of this section, there shall be included all service for which credit is given by law to members of the regular Coast Guard.

(b) The provisions of chapter 13 of this title, except for section 461, apply to members of the Reserve under the same conditions and limitations as are applicable to officers and enlisted men of the Regular Coast Guard.

(c) Members of the Reserve who suffer sickness, disease, disability, or death shall be entitled to the same benefits as prescribed by law for members of the Naval Reserve who suffer sickness, disease, disability, or death under similar conditions.

(d) Members of the Reserve, when on active duty or when retired for disability, shall be entitled to the benefits of section 253(a) of title 42, and, when on active duty other than training duty or when retired for disability, shall be entitled to the benefits of section 253(b) of title 42.

(e) Members of the Coast Guard Reserve, except enlisted members retiring on the basis of years of active service, shall be entitled to the same retirement benefits as prescribed by law for personnel of the Naval Reserve, and whenever any such law confers authority upon the Secretary of the Navy, similar authority shall be deemed given to the Secretary of Transportation to be exercised with respect to the Coast Guard when the Coast Guard is not

[1] Section 762 was repealed by Pub. L. 93–174, § 2(2), Dec. 5, 1973, 87 Stat. 692, without amending chapter analysis to reflect such repeal.

operating as a service in the Navy. Enlisted members of the Coast Guard Reserve requesting retirement on the basis of years of active service shall be entitled to the same retirement rights, benefits and privileges as prescribed by law for enlisted members of the Regular Coast Guard.

(f) Any former member of the Coast Guard Reserve, other than a temporary member, honorably discharged or discharged under honorable conditions from the Coast Guard Reserve after February 18, 1941, and before January 1, 1949, who at the time of his discharge had completed at least thirty years of active service in the Armed Forces other than active duty for training, or who had completed at least twenty years of active service other than active duty for training the last ten of which he served in the eleven-year period immediately preceding his discharge, shall upon his request be placed on the retired list of the Coast Guard Reserve and shall be entitled to receive the same retired pay, only after being placed on the retired list, that he would be entitled to receive had he been retired as a member of the Naval Reserve under the Naval Reserve Act of 1938 instead of being discharged. (Aug. 4, 1949, ch. 393, 62 Stat. 551, amended Aug. 3, 1950 ch. 536, § 32, 64 Stat. 408; Aug. 16, 1957, Pub. L. 85–149, 71 Stat. 369; Sept. 7, 1962, Pub. L. 87–649, § 7(a), 76 Stat. 495; Sept. 25, 1965, Pub. L. 89–200, 79 Stat. 834; June 9, 1966, Pub. L. 89–444, § 1(23), 80 Stat. 197; Dec. 5, 1973, Pub. L. 93–174, § 2(1), 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (e). Pub. L. 93–174 substituted "Secretary of Transportation to be exercised with respect to the Coast Guard when the Coast Guard is not operating as a service in the Navy" for "Secretary of the Treasury to be exercised with respect to the Coast Guard when the Coast Guard is operating under the Treasury Department".

§ 760. Disability or death benefits for temporary members.

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the Secretary of Labor in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefit computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of $600.

* * * * * * *

(As amended May 14, 1974, Pub. L. 93–283, § 1(12), 88 Stat. 141.)

AMENDMENTS

1974—Subsec. (a). Pub. L. 93–283 substituted "$600" for "$300".

§ 762. Repealed. Pub. L. 93–174, § 2(2), Dec. 5, 1973, 87 Stat. 692.

Section, act Aug. 4, 1949, ch. 393, § 1, 63 Stat. 554; Aug. 10, 1956, ch. 1041, § 17, 70A Stat. 626; Sept. 8, 1970, Pub. L. 91–402, § 1(1), 84 Stat. 838, related to Women's Reserve.

§ 764. Active duty for emergency augmentation of regular forces.

(a) Notwithstanding the provisions of any other law and for the emergency augmentation of regular Coast Guard forces at times of serious natural or manmade disaster, accident, or catastrophe the Secretary may, subject to approval by the President and without the consent of persons affected, order to active duty of not more than fourteen days in any four-month period and not more than thirty days in any one-year period from the Coast Guard Ready Reserve any organized training unit; any member or members thereof; or any member not assigned to a unit organized to serve as a unit.

(b) A reasonable time, under the circumstances of the domestic emergency involved, shall be allowed between the date when a Reserve ordered to active duty under this section is alerted for that duty and the date when he is required to enter upon that duty. Unless the Secretary determines that the nature of the domestic emergency does not allow it, this period shall be at least two days.

(c) Active duty served under this section—

(1) shall satisfy on a day-for-day basis all or a part of the annual active duty for training requirement of section 270 of title 10, United States Code;

(2) does not satisfy any part of the active duty obligation of a member whose statutory Reserve obligation is not already terminated; and

(3) entitles a member while engaged therein, or while engaged in authorized travel to or from such duty, to all the rights and benefits, including pay and allowances and time creditable for pay and retirement purposes, to which he would be entitled while performing other regular active duty.

(Added Pub. L. 92–479, § 1, Oct. 9, 1972, 86 Stat. 794.)

§ 765. Enlistment of members engaged in schooling.

To permit the enlistment of Reserve members without interruption of full-time schooling in which they are engaged, the four-month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each. (Added Pub. L. 93–283, § 1(13), May 14, 1974, 88 Stat. 141.)

COMMISSIONED OFFICERS

§ 771. Applicability of this subchapter.

(a) This subchapter applies only to the Coast Guard Reserve.

* * * * *

(As amended Pub. L. 93–174, § 2(3), Dec. 5, 1973, 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–174 struck out provisions relating to the applicability of the subchapter to women members of the Reserve.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 770 of this title.

§ 775. Selection boards; appointment.

* * * * *

(f) Repealed. Pub. L. 93–174, § 2(4), Dec. 5, 1973, 87 Stat. 692.

(As amended Pub. L. 93–174, § 2(4), Dec. 5, 1973, 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (f). Pub. L. 93–174 struck out subsec. (f) which provided that membership of the selection board shall include two members of the Women's Reserve not on active duty whenever the board is convened to consider officers of the Women's Reserve not serving on active duty.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 770 of this title.

§ 780. Promotion; recommendations of selection boards.

* * * * *

(c) Each selection board, from among those officers whose names are submitted to it as determined by section 783 of this title, shall recommend for promotion to the next higher grade:

(1) those officers serving in the grade of lieutenant (junior grade) or above whom it considers to be best qualified; and

(2) those officers serving in the grade of ensign whom it considers to be fully qualified.

(3), (4) Repealed Pub. L. 93–174, § 2(5)(d), Dec. 5, 1973, 87 Stat. 692.

* * * * * *

(i) Repealed. Pub. L. 93–174, § 2(6), Dec. 5, 1973, 87 Stat. 692.

(As amended Pub. L. 93–174, § 2(5), (6), Dec. 5, 1973, 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (c). Pub. L. 93–174, § 2(5), substituted "promotion to the next higher grade" for "promotion to the next high grade" in provisions preceding cl. (1), and "those officers" for "those male officers" in cls. (1) and (2), and struck out cls. (3) and (4).

Subsec. (i). Pub. L. 93–174, § 2(6), struck out subsec. (i), which provided that vacancies in all grades be filled by the combined total of male and female officers selected for promotion, that selection opportunity for officers of the Women's Reserve to grades above lieutenant commander be equivalent to that prescribed for male officers of the same grades, that officers of the Women's Reserve being considered for promotion to the grades of lieutenant commander or below shall be considered and selected in their order of precedence up to the number designated to be selected.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 770, 776 of this title.

§ 787. Failure of selection and elimination.

(a) Reserve officers after failing of selection for promotion to the next higher grade for a second time, may be retained in or eliminated from an active status in the discretion of the Secretary. Those Reserve officers who are not retained in an active status shall be given an opportunity to apply for transfer to the Retired Reserve if qualified, but unless so transferred shall be discharged on June 30 of the fiscal year in which they have completed the following periods of total commissioned service for the grades specified:

* * * * *

(As amended Pub. L. 93–174, § 2(7), Dec. 5, 1973, 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–174 struck out "Officers of the Women's Reserve in the grades of lieutenant (junor grade) and lieutenant failing of selection for promotion to the next higher grade, and all other" preceding "Reserve officers after failing".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 770, 774 of this title.

§ 796. Failure of selection for promotion.

* * * * *

(c) Repealed. Pub. L. 93–174, § 2(8), Dec. 5, 1973, 87 Stat. 692.

(As amended Pub. L. 93–174, § 2(8), Dec. 5, 1973, 87 Stat. 692.)

AMENDMENTS

1973—Subsec. (c). Pub. L. 93–174 struck out subsec. (c) which provided that officers of the Women's Reserve in the grades of lieutenant and lieutenant (junior grade) who were junior to the last officer selected by a board pursuant to section 780(i) of this title shall not be considered to have failed of selection and that the names of such officers shall be submitted to the next ensuing selection board.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 770 of this title.

Chapter 23.—COAST GUARD AUXILIARY

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 46 section 1481.

§ 832. Injury or death in line of duty.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been assigned by competent Coast Guard authority, such member or his beneficiary shall be entitled to the same benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard. The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary. (As amended May 14, 1974, Pub. L. 93–283, § 1(15), 88 Stat. 141.)

AMENDMENTS

1974—Pub. L. 93–283 included time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary as the performance of a specific duty.